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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.				
10/695,585	10/28/2003	Scott Goldthwaite	WS-103	5377				
27769 AKC PATENTS 215 GROVE ST. NEWTON, MA 02466	7590 06/29/2007		<table border="1"><tr><td colspan="2">EXAMINER</td></tr><tr><td colspan="2">SOBUTKA, PHILIP</td></tr></table>		EXAMINER		SOBUTKA, PHILIP	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/695,585	Applicant(s) GOLDTHWAITE ET AL.	
	Examiner Philip J. Sobutka	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-14 and 16-23 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16-23 is/are allowed.
- 6) ☒ Claim(s) 2-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Prosecution Re-Opened

1. The indicated allowability of claims 2-14 is withdrawn in view of the newly discovered reference(s) to Benson (US 2002/0196127). Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1,2,9-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hatakeyama (US 2002/0002507) in view of Hofmann (US 6,311,241) and in view of Benson (US 2002/0196127)

Consider claim 3. Hatakeyama teaches a wireless mobile device adapted to access a wireless network comprising:

a connector (*Hatakeyama see figure 1, paragraph 18*);

a magnetic stripe reader module electrically connected to the connector (*Hatakeyama see figure 1, paragraph 18*); and

wherein said magnetic stripe reader module is adapted to receive and read information stored in a magnetic stripe and transmit said information to an entity via said wireless network (*Hatakeyama, see figures 1,2, paragraphs 7,18-22*).

Hatakeyama lacks a teaching of a CPU, memory and associated application program. Official Notice is taken the use of CPU's memory and associated application programming is notoriously well know in the art. It would have been obvious to one of ordinary skill in the art to modify Hatakeyama as shown in the claim in order to utilize conventional control arrangements.

Hatakeyama lacks a teaching of the connector for magnetic strip reader to the mobile device being a subscriber identification module (SIM) card slot.

Hofmann teaches using the SIM slot on a wireless phone as a connector for other electronic plug in devices (*Hofmann see especially column 2, lines 15-25, column 3, lines 38-60*). Hoffman notes that the slot is already present on the devices (*Hofmann see especially column 1, lines 60-68*). It would have been obvious to one of ordinary

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skill in the art to modify Hatakeyama to use the SIM slot to connect the magnetic strip reader in order to utilize an already existing slot as taught by Hofmann.

Hatakeyama in view of Hofmann also lacks a teaching of multiple SIM slots. Benson teaches a mobile phone with multiple SIM slots (Benson, see for example figure 4, paragraphs 28,54). It would have been obvious to one of ordinary skill in the art to further modify Hatakeyama to equip the device with multiple SIM slots as taught by Benson in order to allow the SIM card to be connected while other devices are attached.

As to claim 2, Hatakeyama in view of Hofmann teaches the wireless mobile device of claim 1 further comprising a payment card comprising said magnetic stripe (*Hatakeyama see paragraph 20*) and wherein said information is selected from a group consisting of payment card owner identification information, payment card identification information, authentication information, payment card issuer information, and financial institution information (*Hatakeyama, see paragraphs 24-28*).

As to claim 4, Hatakeyama in view of Hofmann and Benson lack a teaching of the wireless mobile device of claim 3 further comprising a second application program associated with said memory and said CPU and being adapted to route and transmit data and information between said wireless mobile device, said magnetic stripe reader module, and other interfaces connected to said CPU. Official notice is taken that it is notoriously well known in the art to equip wireless devices with multiple application programs in order to allow them to run multiple applications.

As to claim 5, Hatakeyama in view of Hofmann and Benson lack a teaching of the wireless mobile device of claim 4 wherein said other interfaces are selected from a group consisting of smart card interfaces, infrared transceiver interfaces, serial communication interfaces, and contact less card reader interfaces. Official Notice is taken that all of these are well-known and popular forms of interfaces. Therefore it would have been obvious to one of ordinary skill in the art to modify the device to take one of the claimed forms in order to allow the user to utilize any of these popular forms of interfaces they preferred.

As to claim 6, Hatakeyama in view of Hofmann and Benson lack a teaching of the wireless mobile device of claim 4 wherein said other interfaces comprise an infrared transceiver adapted to transmit data to an external device equipped with another infrared transceiver. Official Notice is taken that this is a well-known and popular form of interface. Therefore it would have been obvious to one of ordinary skill in the art to modify the device to take one of the claimed forms in order to allow the user to utilize a popular form of interface.

As to claim 7, Hatakeyama in view of Hofmann and Benson lack a teaching of the wireless mobile device of claim 6 wherein said external device comprises a printer. Official Notice is taken that printers are notoriously well known in the art.. Therefore it would have been obvious to one of ordinary skill in the art to modify the device to interface with an external printer in order to allow users to make hard copies.

As to claim 8, Hatakeyama in view of Hofmann and Benson lack a teaching of the wireless mobile device of claim 4 wherein said first and second application programs are stored in storage selected from a group consisting of said CPU, said SIM card, an external SIM card, said magnetic stripe, and an external card. Official Notice is taken that this is a well-known and popular form of interface. Therefore it would have been obvious to one of ordinary skill in the art to modify the device to take one of the claimed forms in order to allow the user to utilize a popular form of interface.

As to claim 9, Hatakeyama in view of Hofmann teaches the wireless mobile device of claim 1 wherein said wireless mobile device is selected from a group consisting of a mobile phone (*Hatakeyama, see figure 1*). However Hatakeyama in view of Hofmann lack a teaching of the device being selected from the group consisting of a personal digital assistant, a pager, a wireless laptop computer, a personal computer, a television remote control, and combinations thereof. Official Notice is taken that all of these are well-known and popular forms of wireless devices. Therefore it would have been obvious to one of ordinary skill in the art to modify the device to take one of the claimed forms in order to allow the user to utilize any of these popular forms of a wireless device they preferred.

As to claim 10, Hatakeyama in view of Hofmann teaches the wireless mobile device of claim 1 wherein said wireless network is selected from a group consisting of a wireless wide area network (WWAN) (*Hatakeyama, see paragraph 1*). However Hatakeyama in view of Hofmann lack a teaching of the network being selected from the

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group consisting of a wireless local area network (WLAN), a private network, and a personal area network (PAN). Official Notice is taken that all of the claimed networks are notoriously well known in the art. Therefore it would have been obvious to one of ordinary skill in the art to modify Hatakeyama in view of Hofmann as shown in the claim in order to allow for use with a variety of common wireless systems.

As to claim 11, Hatakeyama in view of Hofmann teaches the wireless mobile device of claim 10, but lacks a teaching of wherein said wireless wide area network (WWAN) is selected from a group consisting of a Global System for Mobile Communications (GSM), a General Packet Radio Service (GPRS), a Code Division Multiple Access (CDMA), CDMA 2000, and wideband CDMA (WCDMA). Official Notice is taken that all of the claimed networks are notoriously well known in the art. Therefore it would have been obvious to one of ordinary skill in the art to modify Hatakeyama in view of Hofmann as shown in the claim in order to allow for use with a variety of common wireless systems.

As to claim 12, Hatakeyama in view of Hofmann teaches the wireless mobile device of claim 1 wherein said wireless mobile device is used for making financial transactions between a user and said entity with a payment card comprising said magnetic stripe over said network (*Hatakeyama, see paragraphs 24-28*).

As to claim 13, Hatakeyama in view of Hofmann teaches the wireless mobile device of claim 12 wherein said financial transactions between said user and said entity are face-to-face (*Hatakeyama, note that the purchase could be made at the seller location as long as the seller had a web site see paragraphs 5-14,24-28*).

As to claim 14, Hatakeyama in view of Hofmann teaches the wireless mobile device of claim 12 wherein said financial transactions between said user and said entity are remote (*Hatakeyama, note that the purchase can be made remotely through the web, see paragraphs 5-14,24-28*).

Allowable Subject Matter

5. Claims 16-23 are allowed for the reasons presented in the previous action.

Response to Amendment

6. Applicant's arguments with respect to claims 3-14 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip J Sobutka whose telephone number is 571-272-7887. The examiner can normally be reached on 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 571-272-7882.

8. The central fax phone number for the Office is 571-273-8300.

Most facsimile-transmitted patent application related correspondence is required to be sent to the Central FAX Number.

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CENTRALIZED DELIVERY POLICY: For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), and facsimile transmissions must be sent to the Central FAX number, unless an exception applies. For example, if the examiner has rejected claims in a regular U.S. patent application, and the reply to the examiner's Office action is desired to be transmitted by facsimile rather than mailed, the reply must be sent to the Central FAX Number.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 6/22/07
PHILIP J. SOBUTKA
PATENT EXAMINER

Philip J Sobutka

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